

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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JEFFREY O. SWOPE,	:	
	:	
Plaintiff,	:	Case No. 07-CV-6921 (BSJ)
	:	
vs.	:	(ECF Case)
	:	
FIDUCIARY ASSET MANAGEMENT, L.L.C.,	:	
	:	
Defendant.	:	
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**DECLARATION OF MATTHEW A. KATZ, ESQ. IN FURTHER SUPPORT
OF DEFENDANT FIDUCIARY ASSET MANAGEMENT, L.L.C.'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

MATTHEW A. KATZ, ESQ., pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an associate with the law firm of Schindler Cohen & Hochman LLP.

Together with The Lowenbaum Partnership, L.L.C., we represent Defendant Fiduciary Asset Management, L.L.C. ("FAMCO") in the above-captioned action.¹ I make this declaration in further support of FAMCO's Motion to Dismiss Plaintiff's Complaint.

2. Attached as Exhibit D² is a true and correct copy of the complaint filed by FAMCO in the Eastern District of Missouri on February 12, 2007.

¹ The *pro hac vice* application of Stanley G. Schroeder of the Lowenbaum Partnership is currently pending before this Court.

² Exhibits A through C are attached to the August 8, 2007 Declaration of Matthew A. Katz in Support of FAMCO's Motion to Dismiss.

3. Attached as Exhibit E is a true and correct copy of FAMCO's memorandum of law in support of its motion to recover its costs of service of process filed in the Eastern District of Missouri on July 27, 2007.

4. Attached as Exhibit F is a true and correct copy of the Affidavit of Stanley G. Schroeder in support of FAMCO's motion to recover its costs of service of process.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 10, 2007 in New York, New York.



Matthew A. Katz